IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO: 12150 of 2004

Between:

B.Seenaiah & Company (projects) Limited, 6-2-913/914, 5th Floor, Progressive Towers, Khairatabad, Hyderabad 500004 represented by its Vice President Finance & Projects, Sri Rajesh S Udupa, Son of K.Venkatarama, aged about 34 years, resident at Anandnagar Colony, Hyderabad

.... PETITIONER

AND

1 Transmission Corporation of Andhra Pradesh Ltd., Vidyut Soudha,

Hyderabad represented by its Chariman & Managing Director

2 Andhra Pradesh Electricity Regulatory Commission, Singareni

Bhavan, Red Hills, Hyderabad represented by its Chairman

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more

particularly one in the nature of a mandamus or declaration: a) declaring the action of the second Respondent in initiating proceedings and issuing the order/directions in Letter No.APERC/Secy/Dir(Engg)/DD (Tr)/F-PPA/D.No. 1892/2003 dt. 18/08/2003 and the further order/direction in the second respondent's letter No.APERC/Secy/ Dir(Engg)/DD(Tr)/ F-PPA/ D.No. 2739/2002, dt. 15/11/2003 as illegal and contrary to law and to set aside the same; and b) declaring that the first respondent is liable to purchase and pay for all the energy delivered from the power project of the petitioner to the First respondent as per the Existing power Purchase Agreement between the first respondent and the petitioner without any limitation; and c) Declaring the action of the first respondent as communicated by the first respondent's letter FA&CCA/A&D/SAO/PP&S/ D.No.665/04 dt. 26/06/2004 in deducting the amount for the alleged quantum of excess energy delivered above 100% PLF during each 30 minutes time block for the months from December 2003 to May 2004 and subsequently as arbitrary, unreasonable and contrary to law; (d) and pass such further or other orders as this Honourable Court may deem fit and proper so that justice may be done.

Counsel for the Petitioner: MR.KATRAGADDA GOPAL CHOUDARY

Counsel for the Respondent No.1: S.C for A.P.Transco.

Counsel for Respondent No.2: - Mr.P.Sri Raghuram

The Court made the following:

ORDER: -

Learned counsel for the petitioner seeks permission to withdraw this writ petition. Permission is accorded.

Accordingly, this writ petition is dismissed as withdrawn.

Sd/-

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Chairman & Managing Director, Transmission Corporation of

Andhra Pradesh Ltd., Vidyut Soudha, Hyderabad

2 The Chairman, Andhra Pradesh Electricity Regulatory Commission,

Singareni Bhavan, Red Hills, Hyderabad

3. 2CD copies

Stv/Rar